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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
10
11 Plaintiff,

Case No. CR10-196-TSZ

12 v.

MAN VAN PHAN,

Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

13 **INTRODUCTION**

14 I conducted a hearing on alleged violations of supervised release in this case on June 6,
15 2012. The defendant appeared pursuant to summons issued in this case. The United States was
16 represented by Michael Lang, and defendant was represented by Paula Deutsch. Also present
17 was U.S. Probation Officer Angela M. McGlynn. The proceedings were digitally recorded.

18 **SENTENCE AND PRIOR ACTION**

19 Defendant was sentenced on December 11, 2006, by the Honorable Michael J. Davis in the
20 District of Minnesota for Conspiracy to Distribute 25,000 tablets of MDMA. He received 48
21 months of detention and 3 years of supervised release. On November 20, 2009, Mr. Phan was
22 released from detention and transferred to the custody of the United States Immigration and
23 Customs Enforcement ("ICE"). On March 1, 2010, he was released from ICE custody to live in

1 the Western District of Washington. On June 24, 2012, jurisdiction was transferred from the
2 District of Minnesota to the Western District of Washington.

3 **PRESENTLY ALLEGED VIOLATIONS**

4 In a petition dated April 24, 2012, U.S. Probation Officer Angela McGlynn alleged that
5 defendant violated the following conditions of supervised release:

- 6 1. Committing the crime of driving while license suspended 3rd degree, on or about
7 November 30, 2011, in violation of the special condition that prohibits the defendant
8 from committing any new local, state, or federal crimes.
- 9 2. Leaving the judicial district without permission on or before November 30, 2011, and
10 April 20, 2012, in violation of standard condition No. 1.
- 11 3. Possessing marijuana on or about April 20, 2012, in violation of standard condition
12 No. 7.

13 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

14 Defendant admitted to violations 1 and 2, and waived any hearing as to whether they
15 occurred. The government dismissed violation 3. Counsel will contact District Judge Thomas S.
16 Zilly to set a disposition hearing date.

17 **RECOMMENDED FINDINGS AND CONCLUSIONS**

18 Based upon the foregoing, I recommend the court find that defendant has violated the
19 conditions of his supervised release as alleged above, and conduct a disposition hearing.

20 DATED this 6th day of June, 2012.

21 

22 BRIAN A. TSUCHIDA
23 United States Magistrate Judge